

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1 through 4, 13 through 27, and 36 through 53, and 58 through 60 are pending, with Claims 1, 24, 43, 53, and 58 being independent. Claims 54 through 57 have been cancelled without prejudice. Claims 1 through 4, 13 through 24, 27, and 43 through 53 have been amended. Claims 58 through 60 have been added.

The Official Action requires that the title be amended and suggests --Selective transport level spoofing on based on what application is using transport level connection--. This requirement is respectfully traversed, and is submitted to have been obviated by the amendment of the title in a manner believed to avoid the grounds of rejection. The amendment has been formulated based on the kind suggestion of the Examiner, with "what application is using transport level connection" having been changed to --information in transport level packet--. Favorable consideration is earnestly solicited.

Claims 54 through 57 have been withdrawn from consideration, and the Official Action requests their cancellation. Applicants have adopted the Examiner's suggestion, and have cancelled the claims without prejudice to their representation in, for example, a divisional application.

Claims 1 through 4, 13 through 27, and 36 through 53 are rejected under the judicially-created doctrine of obviousness-type double patenting over U.S. Patent No. 6,701,370 B1 Claims 1 through 101, with reference being made to U.S. Patent No.

6,182,226 B1 (Reid, et al.). The Official Action also makes reference to Application Nos. 09/662,072 and 09/664,165 (now U.S. Patent No. 6,973,497 B1), and asserts that Applicants have provided “acknowledgement” of a double patenting rejection. All rejections are respectfully traversed.

With respect to U.S. Patent Nos. 6,701,370 B1 and 6,973,497 B1, Applicants respectfully request withdrawal of the rejection for the following reasons. Claims 1, 24, 43, 53, and 58 variously recite, inter alia: (a) deciding whether or not to perform transport level spoofing on the transport level connection, in accordance with (1) the determination (in accordance with a value in a field of the transport level packet) of what application is using the transport level connection (Claims 1 and 24) or (2) information in the transport level packet (Claims 43 and 53), in combination with deciding, in a case that it has been decided to perform transport level spoofing, whether or not to modify the transport level packet, in accordance with (1) the determination of what application is using the transport level connection (Claims 1 and 24) or (2) a field in the transport level packet (Claims 43 and 53), and (b) determining, in accordance with the TCP port number field, whether or not to perform TCP spoofing, in combination with determining, in accordance with the TCP port number field, whether or not to vary a field (the TCP Option, TCP Maximum Segment Size) (Claim 58). However, Applicants respectfully submit that none of the cited claims of the two patents discloses or suggests at least the above-discussed claimed combinations of features as recited, inter alia, in Claims 1, 24, 43, 53, and 58. In more detail, U.S. Patent No. 6,701,370 B1's claims do recite “spoofing”, but they do not provide either a description or a

suggestion of at least the above-discussed claimed combinations of features. Also, U.S. Patent No. 6,973,497 B1's claims do recite "selective spoofing"; however, they are respectfully submitted to be silent at least as to the above-discussed claimed combinations of features, which include, inter alia, modifying and varying. Also, Applicants respectfully submit that Reid, et al. fails to remedy the deficiencies of the cited claims, and there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to attempt to modify the cited claims in view of Reid, et al. so as to arrive at the subject application's claims.

With respect to unpublished Application No. 09/662,072, as any such rejection would be a "provisional" rejection, Applicants respectfully request that any potential rejection be held in abeyance since the cited application has not issued, and be withdrawn if it is the only remaining rejection. See MPEP 804.

Lastly, with respect to the "acknowledgment" issue, Applicants respectfully submit that they did not "acknowledge" any rejections, but instead they traversed — and they continue to traverse — the same. See, e.g., August 5, 2005 Amendment, p. 13, lines 10-12.

The Official Action asserted at page 6 that the claimed subject matter "a transport level ACK to spoof receipt of data" is not disclosed in the provisional application. Furthermore, the August 5, 2005 Amendment was objected to under 35 U.S.C. § 132 on the grounds that the same phrase is new matter. And Claims 1, 24, and 43 were rejected under 35 U.S.C. § 112, 1st paragraph, on the same grounds. All assertions, objections, and rejections are respectfully traversed, and are submitted to

have been obviated by the amendment of the claims to delete the objected-to expression and to instead recite that the spoofing comprises (1) locally acknowledging, to the first apparatus, receipt of the transport level packet and (2) taking on, from the first apparatus, the responsibility of retransmitting the transport level packet if necessary, which finds in haec verba support in the subject application's specification at, e.g., [0010], [0012], and [0013]. Favorable consideration is earnestly solicited.

The drawings were objected to on the grounds that the following features are not shown: (a) selectively performing transport level spoofing on a transport level connection in accordance with a determination as to what application is using the transport level connection; (b) sending a transport level ACK; (c) TCP Option, TCP Maximum Segment Size is set in accordance with the determination as to what application is using the transport level connection; (d) a three-way handshake parameter is set in accordance with the determination; (e) connection priority is set in accordance with the determination as to what application is using the transport level connection. All objections are respectfully traversed.

With respect to (a) , Applicants respectfully submit that Fig. 3 already depicts selectively performing transport level spoofing on a transport level connection, since item 220 is labeled "eligible for spoofing", and items 240 and 250 represent "spoof" and "forward unspoofed", and, in Applicants' view, such would depict, to the artisan, selectively performing transport level spoofing on a transport level connection. With respect to the expression "a determination as to what application is using the transport level connection", Applicants are filing concurrently herewith a new sheet of

formal drawings that contains a new figure, Fig. 4, which is earnestly believe to obviate the grounds of rejection. That figure expressly depicts --determine what application is using TCP connection--.

With respect to (b), Applicants respectfully submit that the grounds of objection have been obviated by the deletion of the objected-to expression from the claims, and its replacement with the expression --locally acknowledging...-- which Applicants respectfully submit is schematically depicted by, e.g., item 240 “spoof” in Fig. 3.

The remaining grounds of objection are respectfully submitted to have been obviated by the new sheet of formal drawings that further contains new Figs. 5, 6, and 7, which respectively depict varying MSS, three-way handshake, and connection priority using a selection rule that distinguishes between hosts by application, as discussed in the subject specification at [0045], [0046], [0047], and [0055].

Claims 1, 24, and 43 were objected to for use of the term “ACK” which was suggested to be changed to --acknowledgment--. Furthermore, the Official Action objected to Claims 44 through 52 and required that “An apparatus according to” be changed to --The apparatus according to--. All objections are respectfully traversed, and are submitted to have been obviated by the adoption of these kind suggestions.

Claims 1 through 4, 13 through 27, and 36 through 53 were variously rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,958,053 (Denker), 6,182,226 B1 (Reid, et al.), 6,850,512 B1 (Bishop, et al.), 6,452,915 B1 (Jorgensen), 6,327,626 B1 (Schroeder, et al.), and Official Notice. All rejections are respectfully traversed.

Claims 1, 24, 43, 53, and 58 variously recite, inter alia, that the spoofing comprises locally acknowledging, to the first apparatus receipt of the transport level packet, and taking on, from the first apparatus, the responsibility of retransmitting the transport level packet, if necessary, as well as:

(a) deciding whether or not to perform transport level spoofing on the transport level connection, in accordance with (1) the determination (in accordance with a value in a field of the transport level packet) of what application is using the transport level connection (Claims 1 and 24) or (2) information in the transport level packet (Claims 43 and 53), in combination with deciding, in a case that it has been decided to perform transport level spoofing, whether or not to modify the transport level packet, in accordance with (1) the determination of what application is using the transport level connection (Claims 1 and 24) or (2) a field in the transport level packet (Claims 43 and 53), wherein for Claims 1, 24, 43, and 53 at least one of the specified conditions is satisfied, or

(b) determining, in accordance with the TCP port number field, whether or not to perform TCP spoofing, in combination with determining, in accordance with the TCP port number field, whether or not to vary a field (the TCP Option, TCP Maximum Segment Size) (Claim 58).

However, Applicants respectfully submit that none of Denker, Reid, et al., Bishop, et al., Jorgensen, Schroeder, and Official Notice, even in the proposed combinations, assuming, arguendo, that such could be combined, discloses or suggests at least the above-discussed claimed combinations of features as recited,

inter alia, in Claims 1, 24, 43, 53, and 58. The Official Action asserts that Denker shows the claimed features; however, Applicants have carefully reviewed the sections of Denker relied upon in the Official Action and respectfully submit that neither said sections nor the remainder of Denker provide any disclosure or suggestion of at least the above-discussed claimed features. In particular, the Official Action makes repeated reference to col. 4, lines 5 through 31 of Denker. Applicants note that said section of Denker discloses, e.g., (1) that packets forwarded from the first end-user to the first gateway are preferably forwarded by changing their addressing information to that of the first gateway, (2) that a SNAT module receives an incoming packet and checks the addressing information against a list of rules to determine if the addressing information should be changed, (3) that if a rule is matched, then the addressing information is changed, (4) that where the protocol is TCP/IP, the SNAT is inserted into a protocol stack below the IP module and is configured to change the source IP address and TCP port, the destination IP address and TCP port, and the TCP and IP checksums, and (5) that the SNAT may change the addressing information of packets sent to particular TCP ports. Nowhere in this section, or the remainder of Denker or the other applied documents, in Applicants' view, is any description or suggestion whatsoever of the above-discussed claimed features recited in Claims 1, 24, 43, 53, and 58. In addition, the Official Notice is respectfully traversed in the absence of a cited reference. MPEP 2144.03. Furthermore, Applicants respectfully submit that there has been no showing of any indication of motivation in the documents relied upon in the Official Action that

would lead one having ordinary skill in the art to arrive at the above-discussed claimed features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

REQUEST FOR INTERVIEW

If any questions remain, Applicants respectfully request that the Examiner contact Applicants' undersigned representative, Craig L. Plastrik, at (301) 601-7252 to schedule a personal interview. Favorable consideration in this regard is earnestly solicited.

CONCLUSION

Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

PATENT
Attorney Docket No.: PD-990184A
Customer No.: 29158

Applicants' undersigned attorney may be reached at (301) 601-7252. All
correspondence should continue to be directed to our below-listed address.

Respectfully submitted,




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